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PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jan-Ove Persson

Examiner: Alvin Stewart

Serial No.: 09/994,706

Art Group: 3738

Filing Date: November 28, 2001

Docket No. 150-026

Title: Tracheostoma Valve

Hon. Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Office Action dated November 7, 2003, please amend the application as follows:

IN THE CLAIMS

Please cancel claims 14-26 without prejudice or disclaimer. In addition, please add new claims 27-37 as shown in the attached separate papers.

REMARKS

Claims 14-26 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. New independent claim 27 has been written to specify "atmospheric surroundings". It is respectfully submitted that the new claims are not indefinite.

Claims 14 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by WO 95/17138 to Persson. Applicant will argue the inapplicability of this rejection to new claim 27.

Persson discloses a tracheostoma device which is to be connected to a tracheostoma comprising a filter housing for receiving a moisture and heat exchanging filter. The filter housing has a first opening to be connected to the patient's stoma and at least one second opening at the opposite side of the filter. The Office Action alleges that Persson discloses a check valve member (28) and a manually adjustable member (see abstract). This assertion is respectfully traversed.



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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/994,706	
	Filing Date	11/28/2001	
	First Named Inventor	Jan-Ove Persson	
	Art Unit	3738	
	Examiner Name	Alvin Stewart	
Total Number of Pages in This Submission	7	Attorney Docket Number	150-026

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Steven S. Payne
Signature	
Date	02/06/2004

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